

JURY SELECTION METHOD

The Court will conduct voir dire of a number of panelists computed by totaling: the number of jurors to be selected (8 in most civil cases) and the number of peremptory challenges. There are no alternates in civil cases. Thus, in a civil case with an 8-person jury and 3 peremptory challenges per side, the Court will voir dire 14 panelists. *See* Fed. R. Civ. P. 47, 48; 28 U.S.C. § 1870. The panelists will be voir dired in the Courtroom (or via Zoom). If issues are raised that are better discussed outside the presence of the entire panel (e.g., sensitive issues, requests to be excused), Judge Fricke will follow up with the individual jurors separately via Zoom. After the follow-up voir dire, the Court will entertain challenges for cause. Each panelist excused for cause will be replaced, so that there is a full panel before any peremptory challenges are exercised. ‘

Once all challenges for cause have been heard and decided, the Court will conduct the final voir dire in the Courtroom via Zoom, asking each panelist individual questions relating to county of residence, education, occupation, prior jury service, etc.

Then parties will then exercise their peremptory challenges against the panelists who compose the potential members of the regular jury. Peremptory challenges will be exercised simultaneously, with each party submitting a written list of the panelists it wishes to excuse. The panelists on these lists will then be excused without knowing which party challenged them. Any overlap among the lists of challenges will not result in the parties receiving additional challenges. The jurors will be selected starting with the unchallenged juror with the lowest number. For example, if there was an overlap of 1 peremptory challenge, the 5 challenged panelists would be excused and the first 8 of the remaining 9 panelists would be seated as the jury.